

## Declaration for Patent Application

Docket Number: 1619.0020001/SRL/TBH

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled PCA3, PCA3 Genes, and Methods of Use, the specification of which is attached hereto unless the following box is checked:

was filed on April 9, 1998;  
as United States Application Number or PCT International Application Number PCT/CA98/00346; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above

**I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.**

Thereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

**== Prior Foreign Application(s)**

Priority Claimed

(Application No.) (Country) (Day/Month/Year Filed)

☐ Yes      ☐ No

Application No.)	(Country)	(Day/Month/Year Filed)
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☐ Yes      ☐ No

I hereby claim the benefit under 35 U.S.C. § 119(c) of any United States provisional application(s) listed below.

60/041,836                      April 10, 1997  
(Application No.)                      (Filing Date)

(Application No.) \_\_\_\_\_ (Filing Date) \_\_\_\_\_

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application, in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
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(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
1	1990	patented
2	1991	pending
3	1992	abandoned

# POWER OF ATTORNEY FROM ASSIGNEE WITH DELEGATION

UNIVERSITY HOSPITAL NIJMEGEN, having a principal place of business at Geert Grooteplein 10, PO Box 9101, 6500 HB Nijmegen, The Netherlands, is a assignee of the entire right, title, and interest for the United States of America (as defined in 35 U.S.C. §100), by reason of an Assignment to the Assignee executed on May 30<sup>th</sup>, 2000 of an invention known as PCA3, PCA3 Genes, and Methods of Use (Attorney Docket No. 1619.0020001/SRL/TBB), which is disclosed and claimed in a patent application of the same title by the inventor(s) Marion J. G. Bussemakers (said application filed on (International Filing Date: April 9, 1998) at the U.S. Patent and Trademark Office, having Application Number (U.S. National Phase of International Application No. PCT/CA98/00346; U.S. Appl. No. 09/402,713)).

The Assignee hereby appoints the following U.S. attorneys to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith: Robert Greene Sterne, Registration No. 28,912; Edward J. Kessler, Registration No. 25,688; Jorge A. Goldstein Registration No. 29,021; Samuel L. Fox, Registration No. 30,353; David K.S. Cornwell, Registration No. 31,944; Robert W. Esmond, Registration No. 32,893; Tracy-Gene G. Durkin, Registration No. 32,831; Michele A. Cimbala, Registration No. 33,851; Michael B. Ray, Registration No. 33,997; Robert E. Sokohl, Registration No. 36,013; Eric K. Steffe, Registration No. 36,688; Michael Q. Lee, Registration No. 35,239; Steven R. Ludwig, Registration No. 36,203; Raz E. Fleshner, Registration No. 34,331; John M. Covert, Registration No. 38,759; and Linda E. Alcorn, Registration No. 39,588. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

The Assignee hereby authorizes the U.S. attorneys named herein to accept and follow instructions from Goudreau Gage Dubuc, Stock Exchange Tower, Suite 3400, PO Box 242, 800 Place-Victoria, Montréal, Canada H4Z 1E9 as to any action to be taken in the U.S. Patent and Trade.mark Office regarding this application without direct communication between the U.S. attorneys and the Assignee. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the Assignee.

Send correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
U.S.A.

Direct phone calls to 202-371-2600.

FOR: UNIVERSITY HOSPITAL NIJMEGEN

SIGNATURE: 

BY: J. de Koning

TITLE: coordinator for grants and contracts

DATE: May 30, 2000

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**Statement Claiming Small Entity Status**  
**(37 C.F.R. §§ 1.9(e) and 1.27(d)) -- Nonprofit Organization**

Applicant or Patentee: Marion J. G. Bussemakers  
 Appl. or Patent No.: (U.S. National Phase of PCT/CA98/00346; U.S. Appl. No. 09/402,713) Atty. docket No. 1619 0020031/SRL/TRB  
 Filed or Issued: (International Filing Date: April 9, 1998)  
 For: PCA3, PCA3 Genes, and Methods of Use

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION UNIVERSITY HOSPITAL NIJMEGEN  
 ADDRESS OF NONPROFIT ORGANIZATION Geert Grooteplein 10, PO Box 9101  
6500 HB Nijmegen, The Netherlands

**TYPE OF NONPROFIT ORGANIZATION**

- ☒ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))  
☐ Nonprofit scientific or educational under statute of state of The United States of America  
 (Name of state \_\_\_\_\_)  
 (Citation of statute \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)) if located in The United States of America  
☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United States of America  
 (Name of state \_\_\_\_\_)  
 (Citation of statute \_\_\_\_\_)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention must file a separate statement indicating their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention (other than the nonprofit organization named above) is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern, or organization is listed below:

NAME Diagnocure Inc  
 ADDRESS 6<sup>th</sup> Floor, 2050, Rene-Lévesque Blvd. West, Sainte-Foy, Québec, Canada G1V2K8  
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

NAME OF PERSON SIGNING J. de Koning  
 TITLE IN ORGANIZATION Coordinator for grants and contracts  
 ADDRESS OF PERSON SIGNING University of Nijmegen, PO Box 9101 6500 HB Nijmegen  
 SIGNATURE [Signature] DATE May 30, 2000

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
 1100 New York Avenue, N.W. • Suite 600 • Washington, DC 20005-3914 • (202) 371-2600

*The Netherlands*

**Statement Claiming Small Entity Status**  
**(37 C.F.R. §§ 1.9(d) and 1.27(c)) -- Small Business Concern**

Applicant, Patentee or Identifier: Marion I. G. Bussemakers  
 Appl. or Patent No.: (U.S. National Phase of PCT/CA98/00346; U.S. Appl. No. 09/402,713) Any. Dkt. No. 1619.0020001/SRI/TBB  
 Filed or Issued: (International Filing Date: April 9, 1998)  
 Title: PCA3, PCA3 Genes, and Methods of Use

I hereby state that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Diagnocure Inc.  
 ADDRESS OF SMALL BUSINESS CONCERN 6<sup>th</sup> Floor, 2050, René-Lévesque Blvd. West  
Sainte-Foy, Québec, Canada G1V 2K8

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate statements indicating their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention (other than the small business concern named above) is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each person, concern, or organization is listed below.

NAME UNIVERSITY HOSPITAL NIJMEGEN

ADDRESS Geert Grooteplein 10, PO Box 9101, 6500 HB Nijmegen, The Netherlands

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☒ NONPROFIT ORGANIZATION

Separate statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

NAME OF PERSON SIGNING PIERRE DESJ

TITLE OF PERSON IF OTHER THAN OWNER C.E.O.

ADDRESS OF PERSON SIGNING 3648 BOIS-DE-CHÊNE, STE-FOY, QC, CANADA

SIGNATURE [Signature]

DATE 8/06/00

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U.S. National Phase of PCT/CA98/00346  
Docket No. 1619.0020001/SRL/TBB

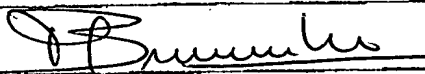
Send Correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	<u>Marion J. G. Bussemakers</u>	
Signature of sole or first inventor		Date <u>May 30, 2000</u>
Residence	<u>Nijmegen, The Netherlands NLX</u>	
Citizenship	<u>The Netherlands</u>	
Post Office Address	<u>St. Geertruidestraat 27</u>	
	<u>NL-6521 KG Nijmegen, The Netherlands</u>	
Full name of second inventor		
Signature of second inventor		Date
Residence		
Citizenship		
Post Office Address		

(Supply similar information and signature for subsequent joint inventors, if any)

USPTO Form 920 Rev. 10-1999

## ASSIGNMENT

DUPLICATE

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventor(s): Marion J. C. Bussemakers, the undersigned inventor(s) hereby sell(s) and assign(s) to UNIVERSITY HOSPITAL NIJMEGEN (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

*check applicable box(es)* ☒ for the United States of America (as defined in 35 U.S.C. § 100),  
☒ and throughout the world,

(a) in the invention(s) known as PCA3, PCA3 Genes, and Methods of Use for which application(s) for patent in the United States of America has (have) been executed by the undersigned on May 30, 2000 (also known as United States Application No. (U.S. National Phase of International Appl. No. PCT/CA98/00346; U.S. Appl. No. 09/402,713), filed (International Filing Date: April 9, 1998) in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

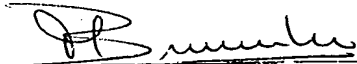
The undersigned inventor(s) hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; Samuel L. Fox, Esquire, Registration No. 30,351; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; Raz E. Fleshner, Esquire, Registration No. 34,331; John M. Covert, Esquire, Registration No. 38,759; and Linda E. Alcorn, Esquire, Registration No. 39,588; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

Date:

May 30, 2000

Signature of Inventor:

  
Marion J. G. Bussemakers

## Certificate Under 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: Marion J. G. Bussemakers  
(U.S. National Phase of PCT/CA98/00346)Application No /Patent No: U.S. Appl. No. 09/402,713 Filed: (Int'l Filing Date: April 9, 1998)Entitled: PCA3, PCA3 Genes, and Methods of UseUNIVERSITY HOSPITAL NIJMEGEN a university  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: May 30, 2000Name: J. de KoningTitle: Coordinator for grants and contractsSignature: [Signature]